

REMARKS/ARGUMENTS

The Office Action mailed March 26, 2003 has been carefully reviewed. Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested. The claims presented for examination are: claims 1-18. The Office Action mailed March 26, 2003 is non-final.

35 USC 102 Rejection

In numbered paragraph 3 of the Office Action mailed March 26, 2003, claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by the Pearman reference, U. S. Patent No. 6,296,808.

Claim 1 has been amended and now provides the following structural elements in the body of the claim:

“treatment means for receiving and treating said chemical weapons and/or biological pathogens agents by receiving said air and treating said chemical weapons and/or biological pathogens agents within said air, said treatment means operatively connected to said enclosed airspace and positioned to receive said air, and

control means for activating said treatment means in response to detection of said chemical weapons and/or biological pathogens agents by said detection means, said control means operatively connected to said detection means and to said treatment means.”

Applicant respectfully submits that the Pearman reference does not show the structural elements of claim 1 now presented for examination. As stated in Verdegaal Bros. v. Union Oil Co. of California, 814 F.2nd 628, 631 USPQ 1051, 1053 (Fed. Cir. 1987), “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.” Since the structural elements of claim 1 now presented for

examination are not shown by the Pearman reference, the rejection is unsupported by the art and should be withdrawn.

35 USC 103 Rejection Pearman in view of Groger et al

In numbered paragraph 6 of the Office Action mailed March 26, 2003 claims 2, 3, 5, and 6, were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over the Pearman Reference in view of the Groger et al reference, U. S. Patent No. 5,766,956.

Claims 2, 3, 5 and 6 depend from claim 1. Applicant respectfully submits that the Pearman reference does not show the structural elements of claim 1 now presented for examination and that the Groger et al reference does not supply the missing elements.

35 USC 103 Rejection Pearman in view of Anbar

In numbered paragraph 7 of the Office Action mailed March 26, 2003 claim 4 was rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over the Pearman Reference in view of the Anbar reference, U. S. Patent No. 4,022,876.

Claim 4 depends from claim 1. Applicant respectfully submits that the Pearman reference does not show the structural elements of claim 1 now presented for examination and that the Anbar reference does not supply the missing elements.

Allowed Claims 7-18

In numbered paragraph 11 of the Office Action mailed March 26, 2003 claims 7-18 were allowed.

SUMMARY

The undersigned respectfully submits that in view of the amendments to independent claim 1 and dependent claims 2-6, the rejections of claims 1-6 raised in the Office Action dated March 26, 2003 have been fully addressed and overcome. Claims 7-18 are allowed. The present application is now believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that claims 1-6 be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



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